

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Magdalena Azmitia	Team: Squad #3	CCRB Case #: 201803349	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/04/2018 5:30 PM	Location of Incident: 27th Avenue and 4th Street	Precinct: 114	18 Mo. SOL 10/4/2019	EO SOL 10/4/2019	
Date/Time CV Reported Fri, 04/20/2018 12:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 04/27/2018 1:41 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Joseph Montano	17686	950902	114 PCT
3. POM Thomas Camastro	03116	956482	114 PCT
4. POM Sean Oneill	17760	950984	114 PCT
5. POM Patrick Obrien	27549	948396	114 PCT
6. SGT Lynn Ruger	02640	937453	114 PCT
7. POM Mathew Chavez	03593	961687	114 PCT
8. POM Brian Ring	04176	921707	114 PCT
9. POF Bernis Howe	04339	928525	114 PCT
10. POM Thomas Martino	06221	960893	114 PCT
11. POM Matthew Rooney	08090	961202	114 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Joseph Montano	Abuse: Police Officer Joseph Montano stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Joseph Montano	Abuse: Police Officer Joseph Montano stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POM Joseph Montano	Abuse: Police Officer Joseph Montano stopped the vehicle in which § 87(2)(b) was an occupant.	
D.POM Sean Oneill	Abuse: Police Officer Sean O'Neill stopped the vehicle in which § 87(2)(b) was an occupant.	
E.POM Sean Oneill	Abuse: Police Officer Sean O'Neill stopped the vehicle in which § 87(2)(b) was an occupant.	
F.POM Sean Oneill	Abuse: Police Officer Sean O'Neill stopped the vehicle in which § 87(2)(b) was an occupant.	
G.POM Joseph Montano	Discourtesy: Police Officer Joseph Montano spoke discourteously to § 87(2)(b)	
H.POM Joseph Montano	Force: Police Officer Joseph Montano used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
I. Officers	Abuse: Officers searched the vehicle in which § 87(2)(b) was an occupant.	
J.POM Joseph Montano	Abuse: Police Officer Joseph Montano refused to provide his name and shield number to § 87(2)(b)	
K.POM Patrick Obrien	Abuse: Police Officer Patrick Obrien refused to provide his name and shield number to § 87(2)(b)	
L.SGT Lynn Ruger	Abuse: Sergeant Lynn Ruger refused to provide her name and shield number to § 87(2)(b)	
M.POM Sean Oneill	Abuse: Police Officer Sean O'Neill refused to provide his name and shield number to § 87(2)(b)	
N.POM Mathew Chavez	Abuse: Police Officer Mathew Chavez refused to provide his name and shield number to § 87(2)(b)	
O.POF Bernis Howe	Abuse: Police Officer Bernis Howe refused to provide her name and shield number to § 87(2)(b)	
P.POM Thomas Martino	Abuse: Police Officer Thomas Martino refused to provide his name and shield number to § 87(2)(b)	
Q.POM Matthew Rooney	Abuse: Police Officer Matthew Rooney refused to provide his name and shield number to § 87(2)(b)	
R.POM Thomas Camastro	Abuse: Police Officer Thomas Camastro refused to provide his name and shield number to § 87(2)(b)	
S.POM Brian Ring	Abuse: Police Officer Brian Ring refused to provide his name and shield number to § 87(2)(b)	

Case Summary

On April 20, 2018, § 87(2)(b) filed this complaint over the telephone with IAB, generating log #18-15228 [NYPD 01]. It was received at the CCRB on April 27, 2018.

On April 4, 2018, at approximately 5:00 P.M., § 87(2)(b) was driving with her friends § 87(2)(b) and § 87(2)(b) whose full name § 87(2)(b) did not know, when she had an argument with a man at a gas station at 39th Avenue and 21st Street in Queens. The man followed her in her vehicle, which was a red Dodge with license plate § 87(2)(b), as she picked up her son § 87(2)(b). At approximately 5:41 P.M. at 27th Avenue and 4th Street in Queens, § 87(2)(b) was stopped by several police vehicles, with approximately 10 officers responding in total (**Allegations A-F, Abuse of Authority:** § 87(2)(g)). PO Joseph Montano of the 114th Precinct approached § 87(2)(b)'s vehicle, saying "Put your hands up," and "You got a firearm." PO Montano attempted to open the rear driver's side door where § 87(2)(b) was sitting, and § 87(2)(b) said that § 87(2)(b) was only § 87(2)(b) old, two which PO Montano allegedly replied, "I don't give a shit, you have a firearm" (**Allegation G, Discourtesy:** § 87(2)(g)). PO Sean O'Neill of the 114th Precinct, who was PO Montano's partner, opened § 87(2)(b)'s door and PO Montano allegedly grabbed her by the arm and pulled her out of the vehicle (**Allegation H, Force:** § 87(2)(g)). Two unidentified officers searched the vehicle and § 87(2)(b) later found her belongings thrown around the car (**Allegation I, Abuse of Authority:** § 87(2)(g)). § 87(2)(b) asked all of the officers present for their names and shield numbers, but only two, identified by the investigation as PO Thomas Camastro and PO Patrick O'Brien of the 114th Precinct, provided their contact cards at the scene (**Allegations J-M, Abuse of Authority:** § 87(2)(g); **Allegations N-R, Abuse of Authority:** § 87(2)(g); **Allegation S, Abuse of Authority:** § 87(2)(g)).

Brief cell phone video footage of the incident was provided by § 87(2)(b).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Joseph Montano stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: Police Officer Joseph Montano stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (C) Abuse of Authority: Police Officer Joseph Montano stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (D) Abuse of Authority: Police Officer Sean O'Neill stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (E) Abuse of Authority: Police Officer Sean O'Neill stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (F) Abuse of Authority: Police Officer Sean O'Neill stopped the vehicle in which § 87(2)(b) was an occupant.

In her testimony to the CCRB, § 87(2)(b) stated that when she stopped for gas at 39th Avenue and 21st Street, a black Mercedes Benz was blocking the gas pumps, and she honked at the driver several times [BR 03]. The driver, identified by the investigation as § 87(2)(b) § 87(2)(b) eventually pulled up next to § 87(2)(b) and was still blocking the gas pump. § 87(2)(b) asked § 87(2)(b) to move so she could get gas, and he said that she needed to calm down and wait. After further argument, § 87(2)(b) moved his car and pulled up behind § 87(2)(b) as

she got gas. The argument remained strictly verbal and did not involve threats from either party. § 87(2)(b) continued on to pick up her son § 87(2)(b) At 27th Avenue and 4th Street, § 87(2)(b) pulled up behind her, and several police vehicles surrounded them. PO Montano, who § 87(2)(b) later identified when she got his contact card, got out of his vehicle and approached § 87(2)(b)'s vehicle. Approximately six other officers approached on the passenger's side. PO Montano had his weapon holster open and had his hand on his weapon but did not remove it. PO Montano approached, saying "Put your hands up," and "You got a firearm." § 87(2)(b) said that she did not and put her hands up, but PO Montano bypassed her and went directly to the back driver's side where § 87(2)(b) was sitting and tried to open the door.

§ 87(2)(b) did not provide a telephone statement to the CCRB. Several attempts were made to obtain a sworn statement from § 87(2)(b) who remained uncooperative with the investigation [BR 23]. Additionally, several attempts were made to obtain a sworn statement from § 87(2)(b) through § 87(2)(b) who was uncooperative in allowing the CCRB to obtain a statement from her son [BR 24].

§ 87(2)(b) § 87(2)(b) the 911 caller, was identified using PO Montano and PO O'Neill's memo book entries [NYPD 02, 03].

In his testimony to the CCRB, PO Montano stated that he and his partner PO O'Neill received a radio run regarding an individual with a firearm [BR 04]. The 911 caller, identified as § 87(2)(b) § 87(2)(b) stated that there was a firearm in a vehicle which was displayed to him, which he was following while speaking with the dispatcher on the phone. PO Montano did not recall whether a description of the firearm or the driver was provided in the call, or whether the location of the firearm within the vehicle was provided. PO Montano was first waved down by § 87(2)(b) § 87(2)(b) at 9th Street and 27th Avenue. § 87(2)(b) § 87(2)(b) also pointed to § 87(2)(b)'s vehicle when PO Montano arrived. PO Montano and PO O'Neill conducted a stop of the vehicle at 27th Avenue and 4th Street. PO Patrick O'Brien and PO Thomas Camastro, who are also anti-crime officers, responded as well, although PO Montano and PO O'Neill were the first on scene. PO Montano did not speak to § 87(2)(b) § 87(2)(b) over the phone or in person before conducting the stop of § 87(2)(b)'s vehicle. After speaking with § 87(2)(b) PO Montano spoke to § 87(2)(b) § 87(2)(b) who stated that he had not seen a firearm in § 87(2)(b)'s car but had seen a bottle which he thought was going to be thrown at him. PO Montano spoke again with § 87(2)(b) and explained why she had been stopped, and told her she was free to leave.

PO O'Neill's testimony to the CCRB was consistent with that of PO Montano, with the following exceptions [BR 06]. When PO O'Neill and PO Montano arrived at 27th Avenue and 4th Street, § 87(2)(b) § 87(2)(b) pointed to § 87(2)(b)'s vehicle but did not make any statements that the officers could hear as they drove past him. PO O'Neill and PO Montano stopped the vehicle using their own vehicle's lights and sirens, and the vehicle stopped with no delay. PO O'Neill spoke with the front passenger of the vehicle, identified as § 87(2)(b) while PO Montano spoke with § 87(2)(b) who was the driver. PO O'Neill asked if § 87(2)(b) had had any disputes, and explained the nature of the 911 call. § 87(2)(b) stated that he had no guns, and said, "You can search me," to PO O'Neill. PO O'Neill asked § 87(2)(b) to step out of the vehicle and conducted a frisk, patting down his waist, pockets, and legs, which produced negative results. PO O'Neill did not observe any weapons inside the vehicle.

Stop report § 87(2)(b), prepared by PO Montano for § 87(2)(b) noted that the § 87(2)(b) § 87(2)(b) had described the vehicle in which he observed the firearm as a burgundy Dodge with New York license plate § 87(2)(b) [BR 07]. PO Montano and PO O'Neill conducted a car stop at 27th Avenue and 4th Street after being waved down by the caller. The vehicle was a red

Dodge with New York license plate § 87(2)(b). Stop report § 87(2)(b), prepared by PO O'Neill for § 87(2)(b) was consistent with the stop report prepared by PO Montano, with the exception that it noted § 87(2)(b) who was the front passenger, was voluntarily removed from the vehicle and frisked due to the violent nature of the alleged crime [BR 08]. A frisk is not being pled due to a lack of testimony from § 87(2)(b) disputing his consent to the frisk.

In the 911 call related to NYPD event # § 87(2)(b) § 87(2)(b) is heard saying, "These people in the car just threatened me," and "I don't know if they had a gun in the car" [BR 14]. However, the operator in the police radio communications heard by the officers stated that the call involved a possible crime with a firearm, and that the caller was following the vehicle, which was a Dodge with New York license plate § 87(2)(b).

NYPD Patrol Guide Procedure 212-11, which addresses investigative encounters and stops, notes that a level 3 Terry Stop requires reasonable suspicion, which exists when "the information known to the member of the service would make an ordinarily prudent and cautious police officer under the circumstances believe criminal activity is at hand," and requires articulate specific facts establishing justification for the stop [BR 17].

At the time that PO Montano and PO O'Neill conducted the stop, they had not spoken personally with § 87(2)(b) and only knew what had been provided for them by the dispatcher, which was that there was a possible firearm in a vehicle matching that of § 87(2)(b). Additionally, § 87(2)(b) was following the vehicle, providing location updates to the dispatcher, and was on scene to confirm the identification of § 87(2)(b)'s vehicle.

In *People v. Bruce*, 78 A.D. 2d 169 (1st Dept 1980), police received a radio run regarding an unidentified caller who has stated that two men at a location were armed and provided a description of the two males [BR 26]. Upon arriving at the scene, the officers met with the caller, who reiterated his description and pointed out the direction in which the suspects had gone. The court found that the caller was a credible witness, especially given that he was still at the location when officers arrived and that the location and description of the suspects were accurate. The court also found that receiving a call that there were men with guns was sufficient to allow the police to stop them for explanatory information.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation (G) Discourtesy: Police Officer Joseph Montano spoke discourteously to § 87(2)(b)

§ 87(2)(b)

In her testimony to the CCRB, § 87(2)(b) stated that when PO Montano attempted to open the rear driver's side door where her son § 87(2)(b) was sitting, she asked PO Montano to leave her son alone because he was only § 87(2)(b) old [BR 03]. In response, PO Montano stated, "I don't give a shit, you have a firearm," and tried again to open the door.

PO Montano testified to the CCRB that he approached § 87(2)(b)'s vehicle on the driver's side, told all of the occupants to keep their hands up, and explained the reason for the stop [BR 04]. PO O'Neill approached the passenger's side and spoke with the two males there who were seated in the front and rear passenger's side, but PO Montano did not hear their

conversation. PO Montano did not tell § 87(2)(b) “I don’t give a shit, you have a firearm,” in response to her asking that her son be left alone. He did not use any profanity while speaking to § 87(2)(b)

Other officers who responded to the scene, including PO O’Neill, PO Thomas Camastro, PO Patrick O’Brien, PO Thomas Martino, PO Matthew Rooney, Sgt. Lynn Ruger, PO Mathew Chavez, and PO Bernis Howe, all of the 114th Precinct, all testified to the CCRB that they did not hear PO Montano or any other officer use profanity when speaking to § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (H) Force: Police Officer Joseph Montano used physical force against § 87(2)(b)

§ 87(2)(b) testified to the CCRB that after PO Montano attempted to open the rear driver’s side door, PO O’Neill opened the front driver’s side door [BR 03]. PO Montano then grabbed § 87(2)(b) by her right arm, physically removed her from the car, and pulled her towards the rear of the vehicle.

In PO Montano’s testimony to the CCRB, he stated that opened the driver’s side door, and § 87(2)(b) got out of the vehicle on her own. She was directed to the rear of the car, and she did not have to be physically assisted in exiting the vehicle. Once at the rear of the vehicle, § 87(2)(b) began screaming, although PO Montano did not recall what she was saying. PO Montano did not have any physical contact with § 87(2)(b) at any point during the incident.

PO O’Neill’s testimony to the CCRB was consistent with that of PO Montano, with the following exceptions [BR 06]. While PO Montano spoke with § 87(2)(b) PO O’Neill spoke to § 87(2)(b). During that time, § 87(2)(b) was uncooperative and yelling, although PO O’Neill did not hear the conversation she had with PO Montano. PO O’Neill did not see § 87(2)(b) have any physical contact with officers on scene.

PO Camastro, who is also an anti-crime officer with the 114th Precinct, also responded to the incident, and his testimony was consistent with that of PO Montano and PO O’Neill with the following exceptions [BR 05]. When PO Camastro arrived at 27th Avenue and 4th Street, there were approximately five other units already on scene conducting a stop of the vehicle, including one plainclothes unit. PO Montano was speaking with § 87(2)(b) who was asked to step out of the vehicle. She stepped out of the vehicle by herself and was not physically removed from her vehicle. PO Camastro did not see any officers have physical contact with § 87(2)(b) throughout the incident.

PO O’Brien, who was PO Camastro’s partner, also provided testimony to the CCRB, which was consistent with that of PO Camastro with the following exceptions [BR 07]. When PO O’Brien arrived at 27th Avenue and 4th Street, where the vehicle had already been stopped by PO Montano and PO O’Neill, he approached the passenger’s side of the vehicle, where he saw § 87(2)(b) whom PO O’Brien knew from approximately 50 previous arrests. PO Montano was speaking with § 87(2)(b) although PO O’Brien did not recall whether § 87(2)(b)

§ 87(2)(b) was still inside of her vehicle or outside of it at the time of his arrival. PO O'Brien did not see any officers make physical contact with § 87(2)(b).

PO Martino responded to the location with his partner, PO Rooney, and his testimony to the CCRB was consistent with that of PO O'Brien [BR 11]. PO Martino noted that at the time he arrived, anti-crime officers were speaking with the driver of the vehicle, identified as § 87(2)(b), although he did not recall whether she was in her vehicle or outside of her vehicle as they spoke. PO Martino did not see any officers have any physical contact with § 87(2)(b) and did not hear any of the conversation between § 87(2)(b) and anti-crime officers.

PO Rooney's testimony was consistent with that of PO Martino with the following exceptions [BR 10]. When PO Rooney arrived, PO Montano was speaking with § 87(2)(b) who was outside of her vehicle and was visibly irate and upset. Sgt. Ruger of the 114th Precinct arrived on scene, and instructed PO Rooney and PO Martino to resume their patrol, which they did. PO Rooney did not observe any officers have any physical contact with § 87(2)(b).

Sgt. Ruger's testimony was consistent with that of PO Martino with the following exceptions [BR 08]. Sgt. Ruger and her operator PO Mathew Chavez responded to the location after hearing 114th Precinct anti-crime officers say over the radio that they had conducted a vehicle stop. When Sgt. Ruger arrived, she saw a child, identified as § 87(2)(b) sitting in the vehicle crying with his hands up. She attempted to speak with him when § 87(2)(b) who was already outside of her vehicle, approached her and said, "Get the fuck away from my son." § 87(2)(b) put her hands in Sgt. Ruger's face and said, "Move away from him." Sgt. Ruger did not see any officers use force against or have any physical contact with § 87(2)(b).

PO Chavez's testimony was consistent with that of Sgt. Ruger, with the following exceptions [BR 09]. PO Chavez did not observe any officers physically pull § 87(2)(b) out of her vehicle or have any physical contact with her, nor was he made aware about it happening after the fact.

PO Howe responded to the scene with her partner, PO Brian Ring, and her testimony was consistent with that of PO Martino [BR 12]. PO Howe noted that she believed all of the civilians involved had exited § 87(2)(b)'s vehicle by the time she arrived. PO Howe did not see any officers have any physical contact with or use any force against the civilians who had been stopped.

Testimony was not obtained from PO Ring because he was on terminal leave and had retired at the time of the investigation.

§ 87(2)(g)

Allegation (I) Abuse of Authority: Officers searched the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) testified to the CCRB that while she was standing at the rear of her car, two plainclothes officers began searching the vehicle, with one searching the front driver's side and the other searching the front passenger's side [BR 03]. § 87(2)(b) noted that she did not personally see what the officers did in her car but saw what they had been doing via a Facebook

Live video recorded by a person nearby. She later found that a plastic bag full of papers that was in her car had been emptied out and the papers and her belongings were all over the car. During her interview, § 87(2)(b) showed the undersigned investigator the Facebook Live video, which showed an individual wearing dark pants bending over with half of their body in § 87(2)(b)'s vehicle. § 87(2)(b) did not respond to repeated requests to provide a link to the video.

In his testimony to the CCRB, PO Montano stated that when § 87(2)(b) stepped out of her vehicle, he saw her clothing and saw that she did not have a firearm on her, as her clothing was fitted he did not see any weapons in her waistband or pockets [BR 04]. He did not enter § 87(2)(b)'s vehicle to search for a weapon and did not see any other officers do so.

PO O'Neill's testimony was consistent with that of PO Montano [BR 06]. He did not search § 87(2)(b)'s vehicle for a weapon, and did not see other officers do so, nor was he made aware after the fact that a search had taken place.

PO Camastro, PO O'Brien, PO Martino, PO Rooney, Sgt. Ruger, and PO Chavez all testified that they did not see any officers search § 87(2)(b)'s vehicle, did not search the vehicle themselves, and were not made aware of officers having searched the vehicle after the fact [BR 05, 07, 08, 09, 10, 11].

PO Howe testified to the CCRB that one anti-crime officer may have searched the vehicle, although she did not recall which officer may have been searching the vehicle, how many officers may have been conducting the search, or where in the vehicle they may have been searching [BR 12].

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation (J) Abuse of Authority: Police Officer Joseph Montano refused to provide his name and shield number to § 87(2)(b)

Allegation (K) Abuse of Authority: Police Officer Patrick O'Brien refused to provide his name and shield number to § 87(2)(b)

Allegation (L) Abuse of Authority: Sgt. Lynn Ruger refused to provide his name and shield number to § 87(2)(b)

Allegation (M) Abuse of Authority: Police Officer Sean O'Neill refused to provide her name and shield number to § 87(2)(b)

Allegation (N) Abuse of Authority: Police Officer Mathew Chavez refused to provide his name and shield number to § 87(2)(b)

Allegation (O) Abuse of Authority: Police Officer Bernis Howe refused to provide her name and shield number to § 87(2)(b)

Allegation (P) Abuse of Authority: Police Officer Thomas Martino refused to provide his name and shield number to § 87(2)(b)

Allegation (Q) Abuse of Authority: Police Officer Matthew Rooney refused to provide his name and shield number to § 87(2)(b)

In her testimony to the CCRB, § 87(2)(b) stated that after speaking with PO Montano at the rear of her vehicle, she asked all of the officers present, including the sergeant, for their information, and only two officers complied, telling her to remember that they were not involved

in the incident [BR 03]. § 87(2)(b) went to the 114th Precinct stationhouse after she was allowed to leave the scene and asked the desk sergeant about filing a complaint. The desk sergeant had asked if § 87(2)(b) knew who the officers were, after which § 87(2)(b) saw the officers who had been involved as they walked into the stationhouse. She spoke to PO Montano and told him that she had asked for his information and he refused to provide it, and PO Montano threw the contact card on the desk towards § 87(2)(b) and said that he had given her his card. § 87(2)(b) provided a photo via e-mail of the contact cards she had received both on scene and at the stationhouse but did not recall which cards she received on scene or which she received at the stationhouse.

PO Montano testified to the CCRB that after he told § 87(2)(b) she was free to leave, § 87(2)(b) noticed that § 87(2)(b) was there and continued yelling [BR 04]. She requested PO Montano's name and shield number, which PO Montano provided verbally. He did not refuse to provide his information to § 87(2)(b) and was unaware of whether other officers refused to provide their information. At the 114th Precinct stationhouse, § 87(2)(b) appeared with § 87(2)(b). She was screaming and demanded a contact card, which PO Montano provided.

PO O'Neill's testimony was consistent with that of PO Montano [BR 06]. He stated that he did not speak with § 87(2)(b) on scene at any point, and that he heard § 87(2)(b) yelling but did not hear her ask for his or any other officer's information. Later that day, § 87(2)(b) went to the 114th Precinct stationhouse to file a complaint, and asked for the information of all the officers present during the stop, including PO O'Neill. He and PO Montano provided her with their contact cards. He did not refuse to provide his information to § 87(2)(b) nor did he hear any other officer do so.

PO O'Brien's testimony was consistent with that of PO Camastro [BR 07]. Approximately 15 minutes after PO O'Brien arrived, PO Montano escorted the 911 caller out of the area because several people were screaming and cursing at him. § 87(2)(b) approached PO O'Brien and PO Camastro, yelling and screaming, and asked for their contact cards, which they both provided. PO O'Brien did not hear § 87(2)(b) ask other officers for their information or cards, nor did he hear officers refuse to provide their information to § 87(2)(b).

In her testimony to the CCRB, Sgt. Ruger stated that she did not recall § 87(2)(b) asking for her or any other officers asking for their name and shield number at any point, nor did she recall providing that information [BR 08]. She did not recall refusing to provide her information to § 87(2)(b) nor did she hear any other officer refuse to provide their information to her.

PO Chavez, PO Martino, PO Rooney, and PO Howe all stated in their testimony to the CCRB that they did not hear § 87(2)(b) ask them or any other officers for their names and shield numbers [BR 09, 10, 11, 12]. They did not refuse to provide their information to § 87(2)(b) and did not hear other officers do so.



Video 1 of 1.MOV

[BR 02]

Video 1 of 1, recorded by § 87(2)(b) on her cell phone, depicts § 87(2)(b)'s interactions with several officers at the conclusion of the stop. At 1:04 minutes, § 87(2)(b)

turns the camera onto PO Montano and she is heard saying, “I want his information, definitely.” At 1:11 minutes, PO Montano approaches § 87(2)(b) and says, “My name is Officer Montano.” At 3:30, § 87(2)(b) is heard saying, “Can I please have your information, sergeant?” Sgt. Ruger, who was walking away, turns around and says, “Sure,” as she approaches § 87(2)(b). At 3:33 Sgt. Ruger begins to speak, but cannot be heard over § 87(2)(b) who goes on to say that all of the officers should have contact cards. § 87(2)(b) is not heard asking PO O’Neill for his information at any point in the video. At 5:40, PO Camastro and his partner PO Patrick O’Brien give their contact cards to § 87(2)(b).

As per NYPD Patrol Guide Procedure 203-09, an officer must courteously and clearly state their rank, name, shield number and command, to anyone who requests the officer to do so, and allow the person time to note the information unless a contact card is offered [BR 16].

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

.

Allegation (R) Abuse of Authority: Police Officer Thomas Camastro refused to provide his name and shield number to § 87(2)(b)

Allegation (S) Abuse of Authority: Police Officer Brian Ring refused to provide his name and shield number to § 87(2)(b)

PO Camastro’s testimony was consistent with that of PO O’Neill [BR 05]. § 87(2)(b) asked PO Camastro for his information, and he gave her a contact card. He did not recall how many times she may have asked for his information. He did not refuse to give § 87(2)(b) his information and did not hear other officers do so. He believed § 87(2)(b) asked PO O’Brien for his information, and he also gave her a contact card.

It is shown in the video provided by § 87(2)(b) that PO Camastro gave § 87(2)(b) his contact card on scene [BR 02]. § 87(2)(g)

§ 87(2)(g)

.

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
 - [REDACTED]
 - [REDACTED]
- [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party [BR 25].
- PO Joseph Montano has been a member of service for seven years and this is the first CCRB complaint to which he has been a party.
- PO Sean O'Neill has been a member of service for seven years and this is the first CCRB complaint to which he has been a party.
- PO Thomas Camastro was a member of service for four years and this is the first CCRB complaint to which he was a party. PO Camastro has since left the NYPD.
- PO Patrick O'Brien has been a member of service for nine years and has been a subject in four CCRB complaints and four allegations, none of which were substantiated.
- Sgt. Lynn Ruger has been a member of service for 13 years and has been a subject in six CCRB complaints and 16 allegations, three of which were substantiated.
 - In case #200717115, Sgt. Ruger was cited for other misconduct for failure to prepare a memo book entry. The NYPD implemented Command Discipline B.
 - Case #200903116 involved a substantiated allegation of retaliatory arrest. The Board recommended charges, and the NYPD declined prosecution.
 - In case #201204253, Sgt. Ruger was cited for other misconduct for providing a false official statement. The Board made no recommendation, and no action was taken by the NYPD.
- PO Mathew Chavez has been a member of service for two years and this is the first CCRB complaint to which he has been a party.
- It is unknown for how long PO Brian Ring was a member of service. He was a subject in two CCRB complaints and two allegations, none of which were substantiated.
- PO Bernis Howe has been a member of service for 17 years and has been a subject in three CCRB complaints with four allegations, none of which were substantiated.
- PO Thomas Martino has been a member of service for two years and this is the first CCRB complaint to which he has been a party.
- PO Matthew Rooney has been a member of service for two years and this is the first CCRB complaint to which he has been a party.

Mediation, Civil and Criminal Histories

- § 87(2)(b) did not respond to inquiries regarding mediation.
- On October 10, 2018, a request to determine if a Notice of Claim was filed was submitted; confirmation from the Officer of the New York City Comptroller will be forwarded upon receipt [BR 15].
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]
- § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs) [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Squad No.: 3

Investigator: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Squad Leader: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Reviewer: _____

Signature	Print Title & Name	Date
-----------	--------------------	------